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Attorneys for Plaintiff and Counterdefendant

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BRIAN JONESTOWN MASSACRE, a  
doing business as designation for ANTON  
NEWCOMBE, an individual,

Plaintiff,

v.

JEFFREY DAVIES,

Defendant.

JEFFREY DAVIES,

Counterclaimant,

v.

ANTON NEWCOMBE,

Counterdefendant.

Case No: CV-13-04005-NC

**NOTICE OF SETTLEMENT;  
~~PROPOSED~~ ORDER**

Plaintiff and Counterdefendant Anton Newcombe and Defendant and Counterclaimant Jeffrey Davies (collectively the "Parties") have reached an agreement to settle the above-entitled action, including all claims and counterclaims, and have executed a formal and binding settlement agreement. Accordingly, the Parties jointly submit this Notice of Settlement and the parties need not submit a joint proposal for scheduling on October 24, 2014. The Court will ~~respectfully request that the Court take all pending dates off-calendar but~~ retain jurisdiction of the case until the filing of a stipulation for mutual dismissal. Certain terms of the settlement are to be performed on or before December 15, 2014, and if performed, will result in the parties filing a stipulation for mutual dismissal of the entire action on that date. No other deadlines are modified by this Order.

Dated: October 23, 2014

PHILLIPS, ERLEWINE & GIVEN LLP

By /s/ Cari A. Cohorn  
Cari A. Cohorn  
David M. Given  
Alexander H. Tuzin  
Attorneys for Plaintiff/Counterdefendant

Dated: October 23, 2014

GLOTZER & SWEAT, LLP

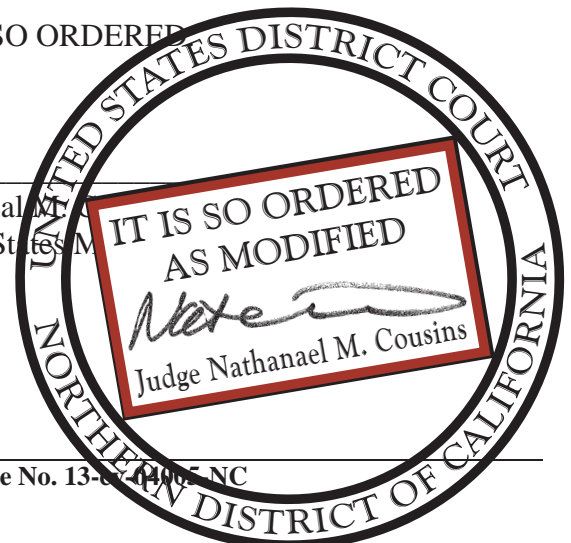
By /s/ Joshua W. Glotzer  
Joshua W. Glotzer  
Steven M. Sweat  
Attorneys for Defendant/Counterclaimant

~~[PROPOSED]~~ ORDER

PURSUANT TO THE FOREGOING, IT IS SO ORDERED

Date: October 23, 2014

Nathanael M.  
United States M



**ATTESTATION**

I, Cari A. Cohorn, am the ECF user whose identification and password are being used to file the instant document. Pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that all counsel whose electronic signatures appear above provided their authority and concurrence to file this document.

/s/ Cari A. Cohorn  
Cari A. Cohorn  
Attorney for Plaintiff/Counterdefendant